

NOV 14 2011

JULIA C. DUDLEY, CLERK
BY: *J. C. Turk*
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

PHILLIP IRVING,) CASE NO. 7:11CV00528
Petitioner,)
vs.) FINAL ORDER
UNITED STATES OF AMERICA,) By: James C. Turk
Respondent.) Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that this action, which the court construes as a petition for a writ of mandamus, pursuant to 28 U.S.C. § 1361, is **DISMISSED** as frivolous, and this action is stricken from the active docket of the court.

ENTER: This 14th day of November, 2011.

James C. Turk

Senior United States District Judge